

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



EDWARD HENRIES,

Plaintiff,

v.

23-CV-1173 (JLS) (MJR)

UR M. JADDOU, Director United
States Citizenship and Immigration
Services; GWYNNE DINOLFO, Albany
Acting Field Office Director; SUSAN
DIBBINS, Chief, Administrative
Appeals Office; ALEJANDRO
MAYORKAS, Secretary of the
Department of Homeland Security;
MERRICK B. GARLAND, United
States Attorney General,

Defendants.

DECISION AND ORDER

Plaintiff Edward Henries commenced this action on November 13, 2023 seeking a declaratory judgment under 8 U.S.C. § 1503(a) that he is a United States citizen. *See* Dkt. 1. The case has been referred to United States Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 15.

Defendants moved to dismiss. Dkt. 23. Plaintiff opposed the motion, Dkt. 26, and Defendants replied. Dkt. 28. The parties then submitted supplemental briefing. *See* Dkt. 30-33.

On February 27, 2025, Judge Roemer issued a Report and Recommendation (“R&R”) recommending that this Court grant Defendants’ [23] motion to dismiss. Dkt. 34. Plaintiff objected to the R&R. Dkt. 36. He argues that the R&R improperly: (1)

relied on the *Headley-Ombler* decision; (2) concluded that citizenship was previously raised or otherwise implicated; and (3) concluded that removal is the termination point in removal proceedings. *See id.* Defendants opposed the objections, Dkt. 38, and Plaintiff replied. Dkt. 39.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R, the objections briefing, and the relevant record. Based on its *de novo* review, the Court accepts and adopts Judge Roemer's recommendation.

For the reasons above and in the R&R, Defendants' [23] motion to dismiss is GRANTED. The Clerk of Court shall close this case.

SO ORDERED.

Dated: April 15, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE